

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

VINCENT DANIEL HOPPER, AKA
ANTOLIN MARKS

Plaintiff,

v.

JOHN DOE MYERS RECREATIONAL
COACH NORTHWEST DETENTION
CENTER *et al.*,

Defendants.

Case No. C05-5680RBL

ORDER ADOPTING REPORT AND
RECOMMENDATION REGARDING
DEFENDANTS MOTION TO
DISMISS

The Court, having reviewed, the Report and Recommendation of Magistrate Judge J. Kelley Arnold, objections to the report and recommendation, if any, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts and amends the Report and Recommendation. The Report and Recommendation is amended to the extent that defendant's Motion for Summary Judgment is also granted on the issue of the existence in the Law Library of the Ninth Circuit Rules of Appellate Procedure.
- (2) Defendants motion for summary judgment is **GRANTED** consistent with the Report and Recommendation. Defendants may file a second motion for summary judgment addressing the remaining claims regarding telephone access.
- (3) The Clerk is directed to send copies of this Order to plaintiff, counsel for defendants who have appeared and to the Hon. J. Kelley Arnold.

DATED this 9th day of November, 2006.


RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE

ORDER